

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

AARON B. LOGGINS, JR.,

Plaintiff,

v.

CIV 11-0195 KBM/DJS

CITY OF ALBUQUERQUE, et al.,

Defendants.

**ORDER STRIKING DOCUMENT NO. 64**

THIS MATTER is before the Court on Defendants' Motion to Strike Plaintiff's Brief in Opposition to Defendant's Motion to Dismiss for Summary Judgment (*Doc. 66*). I find the motion is well-taken and will be granted. No reply brief from Defendants is necessary.

Defendants contend that Plaintiff filed his Brief in Opposition (*Doc. 64*) after the completion of briefing on Defendants' summary judgment motion, *see Docs. 61 and 63*, and without Court permission, *see D.N.M. LR 7.4(b)* (requiring leave of the Court for a surreply). Although Plaintiff is proceeding *pro se*, Defendants also point out that he is required to "follow the same rules of procedure that govern other litigants." *See Doc. 66* at 1 (citing *Murray v. City of Tahlequah, Okl.*, 312 F.3d 1196, 1199 (10<sup>th</sup> Cir. 2002)). The Court agrees with Defendants on both counts.

Plaintiff's Response and Opposition to the Defendants' Motion to Strike (*Doc. 69*) misunderstands and/or mischaracterizes Defendants' Motion to Strike. As Plaintiff notes, he was granted an extension (*Doc. 51*) to file a response to the Defendants' summary judgment motion. Plaintiff's original response (*Doc. 55*) was timely filed within that extended deadline; therefore, that response will be considered by the Court in ruling on Defendants' Motion for Summary Judgment (*Doc. 39*). However, as requested by Defendants, the Court will strike Plaintiff's untimely and

unauthorized further briefing regarding summary judgment (*Doc. 64*).

Wherefore,

**IT IS HEREBY ORDERED** that Defendants' Motion to Strike (*Doc. 66*) is **granted**. Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss for Summary Judgment (*Doc. 64*) is **stricken** as filed in violation of D.N.M.LR 7.4(a) and (b).

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UNITED STATES CHIEF MAGISTRATE JUDGE